

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: GRACE J. FISHEL  
11970 BORMAN DRIVE  
SUITE 220  
ST. LOUIS MO 63146

## PCT

### NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing  
(day/month/year)

12 JUL 2001

Applicant's or agent's file reference

GTM 7510.1/P

IMPORTANT NOTIFICATION

International application No.

PCT/US00/11154

International filing date (day/month/year)

25 APRIL 2000

Priority Date (day/month/year)

26 APRIL 1999

Applicant

GREEN, TIMOTHY M.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

EV 404053472 US

Name and mailing address of the IPEA/US  
Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

SEBASTIANO PASSANITI

Telephone No. (703) 308-0858

*Sheila Venev*  
Paralegal Specialist  
Technology Center 3700

Form PCT/IPEA/416 (July 1992)★

Atty. Docket No. 8572-000012US

App. Ser. No. 10/763,925

Applicant: Green

Reference 50 of 57

BEST AVAILABLE COPY

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference GTM 7510.1/P	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/11154	International filing date (day/month/year) 25 APRIL 2000	Priority date (day/month/year) 26 APRIL 1999
International Patent Classification (IPC) or national classification and IPC IPC(7): A63B 69/36, 53/04 and US Cl.: 473/238, 240, 251, 288, 329, 332, 340, 342		
Applicant GREEN, TIMOTHY M.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 27 NOVEMBER 2000	Date of completion of this report 06 JUNE 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer SEBASTIANO PASSANITI Telephone No. (703) 308-0858
Facsimile No. (703) 305-3230	<i>Sheila Venev</i> Paralegal Specialist Technology Center 3700

Form PCT/IPEA/409 (cover sheet) (July 1998)\*

BEST AVAILABLE COPY

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/11154

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed
- ☒ the description:  
pages 1-8 , as originally filed  
pages NONE , filed with the demand  
pages NONE , filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages 9-11 , as originally filed  
pages NONE , as amended (together with any statement) under Article 19  
pages NONE , filed with the demand  
pages NONE , filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
pages 1-3 , as originally filed  
pages NONE , filed with the demand  
pages NONE , filed with the letter of \_\_\_\_\_
- ☒ the sequence listing part of the description:  
pages NONE , as originally filed  
pages NONE , filed with the demand  
pages NONE , filed with the letter of \_\_\_\_\_

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

**4. ☒ The amendments have resulted in the cancellation of:**

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

**5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\*Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/11154

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. statement**

Novelty (N)	Claims	<u>10-19</u>	YES
	Claims	<u>1-9, 20, 21</u>	NO
Inventive Step (IS)	Claims	<u>11, 12, 13</u>	YES
	Claims	<u>1-10, 14-21</u>	NO
Industrial Applicability (IA)	Claims	<u>1-21</u>	YES
	Claims	<u>NONE</u>	NO

**2. citations and explanations (Rule 70.7)**

Claims 1, 4-8, 20 and 21 lack novelty under PCT Article 33(2) as being anticipated by TUCKER.

As to claim 1, reference is made to Figures 5 and 6 and the discussion in column 4, lines 15-42 detailing that the inserts affixed to the striking portion of the head are each made of different materials. The inserts appear to be generally elongated in the longitudinal direction. Figure 1 clearly shows alignment indicia in the form of lines or grooves extending from a position adjacent the rear of the head to a position adjacent the striking face of the head.

As to claim 4, the club head includes a metal portion atop which or upon which a portion thereof is affixed an insert of a softer material. See column 6, lines 18-27.

As to claim 5, at least the striking portion of the head which may be an insert is made of an elastomer material.

As to claim 6, the inserts shown in Figure 6 are clearly removable from the main club head portion.

As to claim 7, again, Figure 6 shows a plurality of inserts that may be selectively installed upon and removed from the main head body.

As to claim 8, see column 4, line 35 detailing that the inserts are attached by pressure-sensitive adhesive.

As to claim 20, the means for dampening vibration include the various elastomeric inserts that may attached to the striking face portion.

As to claim 21, the plurality of inserts must clearly include different vibrational modes, one from the other.

(Continued on Supplemental Sheet.)

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/11154

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):**

Claims 1, 2, 3, 6, 7, and 9 lack novelty under PCT Article 33(2) as being anticipated by EBBING.

As to claim 1, note the insert (18) attached to the main body. Figure 1 clearly shows a dot on the upper surface portion of the head which may clearly be used for alignment purposes.

As to claims 2 and 3, see column 3, lines 46-65 wherein Ebbing details that the main club head body be fabricated from a material such as that sold under the trademark Lexan by the General Electric Company. Lexan is a lightweight material. On the other hand, the striker insert is made of a material such as brass or stainless steel, a material that is clearly harder and denser than the material of the main body.

As to claim 6, the insert in Ebbing is clearly removably fastened to the main body by using screws (54).

As to claim 7, the insert, per se, may be selectively replaced. Seen in another context, since more than one type of material is contemplated for the make-up of the insert, it is clear that more than one material type of insert is disclosed by Ebbing, thus lending the invention to the selective replacement of the insert.

As to claim 9, again, the insert is fastened to the main club head via screws (54).

Claims 10, and 14-15 lack an inventive step under PCT Article 33(3) as being obvious over TUCKER in view of DENSBERGER.

As to claim 10, Tucker lacks a light reflective surface. Densberger shows it to be old in the art to provide a putter head with a sighting and alignment device that provides a reflection of the ball and target in order to provide the golfer with visual feedback at address for more accurate putts. In view of the patent to Densberger, it would have been obvious to provide the Tucker device with a visual aligning guide that includes a light reflective surface, the motivation being to help a golfer more precisely align a golf ball at address.

As to claims 14 and 15, the alignment device shown by Densberger is attached to the body, as shown by the various figures.

Claims 16-19 lack an inventive step under PCT Article 33(3) as being obvious over TUCKER in view of DENSBERGER and further in view of LINDSTEDT, MEYER, and GOGGINS.

Tucker in view of Densberger has been discussed above. Tucker, as modified by Densberger, lacks a discussion of a specific lenticular lens arrangement. It is noted that Densberger does suggest that a number of different optical alignment means may be used to create a reflective image including the means necessary to create a holographic image. See column 6, lines 8-28 in Densberger. The teaching references to Lindstedt, Meyer and Goggins show it to be old in the art to use a lenticular lens arrangement to create a specific visual effect and, in the cases of Lindstedt and Meyer, the lenticular lens technology is applied to the golf club art. Goggins is provided to emphasize the fact that lenticular lenses are well-known. See the abstract in Lindstedt. See column 2, lines 47-57 in Meyer. See column 3, lines 50-59 in Goggins. In view of the disclosure in Densberger and the further teachings provided by Goggins, Meyer, and Lindstedt, it would have been obvious to further modify the Tucker device by using a lenticular lens arrangement, the motivation being to make use of a known technology for presenting an image, the image being enhanced by the use of the lenticular lens.

Claims 11-13 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a light reflective surface curving upwardly from the golf club head and to the rear of the golf club head, with the curvature being in both the vertical and horizontal planes.

## ----- NEW CITATIONS -----

US 4,422,638 A (TUCKER) 27 December 1983, see col. 4, lines 30-32.

US 4,121,832 A (EBBING) 24 October 1978, see col. 3, lines 46-65.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/11154

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 11

US 5,640,777 A (DENSBERGER et al) 24 June 1997, see col. 5, line 6 through col. 8, line 38.

US 5,896,230 A (GOGGINS) 20 April 1999, see col. 3, lines 50-59.

US 5,228,695 A (MEYER) 20 July 1993, see col. 2, lines 47-57.

US 5,433,446 A (LINDSTEDT, JR.) 18 July 1995, see the abstract.